IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2635 OF 1987

The Board of Trustees of the
Port of Bombay ... Plaintiff
VS.
M/s. Sterlite Cables (India) Ltd. ... Defendant

Mr. U. J. Makhija i/b. Mulla & Mulla for Plaintiff.
Kantilal Kanojia i/b. P.N. Patwardhan for Defendant

CORAM: **D.G. KARNIK J**.
DATE: 14/7/2006

P.C.:

1. Heard learned counsel for the plaintiff and the defendant. The defendant has not filed its written statement. The suit shall proceed against the defendant without its written statement. In the absence of the written statement the averments made in the plaint are deemed to be admitted.

2. Considering the nature of the suit which is only for recovery of money, I consider it appropriate to exercise the powers under Order 8 Rule 5(2) read with Order 8 Rule 10 of C.P.C. , and pass the decree. The suit of the Plaintiff is decreed in terms of prayer clause (a).

(D.G. KARNIK J.)